

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WESLEY ALLEN CROSS GUNS,

Defendant.

CR 13-52-GF-BMM

**ORDER**

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on December 15, 2015. Defendant admitted he had violated Standard Condition 6 of his supervised release by failing to notify his probation officer of a change in residence, he had violated Standard Condition 7 of his supervised release by using methamphetamine and consuming alcohol, and he had violated Special Condition 1 of his supervised release by failing to report for urinalysis testing. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of six months, with 30 months of supervised release to follow.

No objections were filed by either party. Judge Johnston's findings

and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted he had violated Standard Conditions 6 and 7, and Special Condition 1. Defendant could be incarcerated for up to 24 months, followed by 36 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of six to 12 months. A sentence of six months in custody, followed by 30 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 124) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 4th day of January, 2016.



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Brian Morris  
United States District Court Judge